

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY MANILA

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E.O. 11652: NA

TAGS: MARR, US, RP

SUBJECT: SULPICIO GARCIA V. COL. PAUL C. MATHIS

REFS:(A) MANILA 1221; (B) MANILA 1303

1. ASSUMING CAPTION OF CASE CONTAINED IN NOTE (REF B) IS
VERBATIM, DEPARTMENT AND DOJ BELIEVE SUIT IS AGAINST THE
U.S. IN BOTH FORM AND SUBSTANCE AND SHOULD BE RESPONDED TO
ACCORDINGLY. FURTHERMORE, IT APPEARS THAT NOTICE HAD BEEN
RECEIVED BY CLARK AIR BASE AND THEREFORE WE SHOULD NOT
ATTEMPT TO CLAIM THAT MATHIS HAS NOT RECEIVED NOTICE.

2. IN VIEW OF THE ABOVE, WE PROPOSE THE FOLLOWING NOTE:
QUOTE:. . . AND HAS THE HONOR TO REFER TO THE DEPARTMENT'S
NOTE NO. 78-157 FORWARDING A COPY OF A MOTION TO DECLARE
DEFENDANT IN DEFAULT IN CIVIL CASE NO. D-4097 OF THE COURT
OF FIRST INSTANCE OF PANGASINAN, THIRD JUDICIAL DISTRICT,
BRANCH IV, DAGUPAN CITY, ENTITLED SULPICIO GARCIA VERSUS
PAUL C. MATHIS, IN HIS CAPACITY AS BASE COMMANDER CAFB
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ACTING FOR AND IN BEHALF OF THE UNITED STATES OF AMERICA.

JUDGING FROM ITS CAPTION, THE CASE APPEARS TO BE A DIRECT
SUIT AGAINST THE UNITED STATES OF AMERICA, AND COL. MATHIS'
NAME APPEARS IN THE CAPTION SOLELY BECAUSE OF THE ERRONEOUS
ASSUMPTION BY THE PLAINTIFF THAT COL. MATHIS IS AUTHORIZED

TO REPRESENT THE UNITED STATES IN LITIGATION. THE EMBASSY WISHES TO INFORM THE DEPARTMENT THAT SERVICE OF PROCESS HAS NOT BEEN MADE UPON THE EMBASSY IN THE CASE REFERRED TO ABOVE. THE EMBASSY ASSUMES THE DEPARTMENT WILL AGREE THAT IN VIEW OF THE ABSENCE OF PROPER SERVICE, THE HONORABLE COURT OF FIRST INSTANCE OF PANGASINAN HAS NOT ACQUIRED JURISDICTION. THE EMBASSY ASSUMES THE DEPARTMENT WILL FURTHER AGREE THAT THE GRANT OF A MOTION FOR A DEFAULT JUDGMENT CAN HAVE NO EFFECT WITH RESPECT TO THE UNITED STATES OVER WHICH THE COURT HAS NOT ACQUIRED JURISDICTION.

THE EMBASSY REQUESTS THE DEPARTMENT TO INFORM THE HONORABLE COURT OF THE FOREGOING. THE MOTION IS RETURNED HERewith TO THE DEPARTMENT FOR SUCH DISPOSITION AS IT MAY DEEM APPROPRIATE. UNQUOTE. VANCE

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Message Attributes

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Concepts: CLAIMS
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Draft Date: 26 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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